

1  
2  
3                   UNITED STATES DISTRICT COURT  
4                   WESTERN DISTRICT OF WASHINGTON  
5                   AT TACOMA

6 ROBERT W. GARRISON,  
7  
8                   Plaintiff,

v.

9 STATE OF WASHINGTON  
10 DEPARTMENT CORRECTIONS, et al.,  
11  
12                   Defendants.

CASE NO. C12-5396 BHS-JRC  
ORDER ADOPTING REPORT  
AND RECOMMENDATION

12                  This matter comes before the Court on the Report and Recommendation (“R&R”)  
13 of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 36. The Court  
14 having considered the R&R and the remaining record, and no objections having been  
15 filed, does hereby find and order as follows:

16                  (1) The Court adopts the Report and Recommendation.  
17                  (2) The Court grants Defendants’ motion to dismiss as to all claims  
18                   except the retaliation claim. Plaintiff may file an amended complaint  
19                   if he feels he has facts showing a violation of his Eighth Amendment  
20                   rights.  
21                  (3) The Court grants Defendants’ motion for a more definite statement  
22                   regarding the retaliation claim. Plaintiff will file an amended  
23                   complaint that cures the defects noted in the Report and

1 Recommendation on this claim. Plaintiff has thirty days from entry  
2 of this order to comply.

3 (4) The Court denies Defendants' motion to stay discovery. Defendants  
4 have not raised the affirmative defense of qualified immunity and  
5 they may not rely on cases where qualified immunity barred  
6 discovery. Further, Plaintiff may need discovery in order to comply  
7 with the order to file an amended complaint.

8  
9 DATED this 5th day of June, 2013.

10  
11   
12 \_\_\_\_\_  
13 BENJAMIN H. SETTLE  
14 United States District Judge  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24